\THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.9692 of 2006

Date 11-6-2007

Between:
The District Collector/Chairman,
District Selection Committee, Vizianagaram and others.

.....PETITIONERS

AND

Kum. Subuddi Vijaya Lakshmi,
Vizianagaram District.

.....RESPONDENT

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.9692 of 2006

ORDER: (per Smt. T. Meena Kumari,J)

Aggrieved by the orders passed by the A.P. Administrative Tribunal in O.A. No. 846 of 2001, dated 16.12.2004, the petitioner-Department filed the present writ petition.

The facts in brief are that in pursuance of the Special Recruitment for S.T. Candidates for D.S.C. 2000, the respondent herein has applied for the same. She even appeared for the written examination for the post of Secondary Grade teacher and got selected. She was also sent call letter to appear for interview before the Selection Committee along with her original certificates on 5.2.2001. However, the Selection Committee asked the respondent to produce fresh Caste Certificate. Thereafter, when she approached the Mandal Revenue Officer, Garugubilli Mandal for issuance of fresh Caste Certificate, he refused to issue the same. She, therefore, filed O.A. No. 846 of 2001 before the Tribunal assailing the decision of the selection committee for production of fresh caste certificate.

The respondent contended before the Tribunal stating that she belonged to S.T. Community and when the Caste Certificate issued by the Mandal Revenue Officer is not cancelled, the authorities cannot insist for production of fresh Caste Certificate. She further contended that when other candidates who were similarly situated like the respondent were not asked to produce fresh Caste Certificate, the authorities cannot insist on her for production of fresh Caste Certificate.

The authorities filed counter affidavit before the Tribunal stating that the respondent belonged to Oriya Holva Caste and the said Caste is not

figured as S.T. As per the rules existing at present, only Holva is treated as S.T., but, not Oriya Holva. It was further stated that after examining the case of the respondent in detail, the authorities insisted on her for production of fresh caste certificate from the competent authority not below the rank of Revenue Divisional Officer/Sub-Collector or Assistant Collector.

The Tribunal on a consideration of the contentions of both the learned counsel, issued direction to the authorities to consider the case of the applicant for appointment to the post of Secondary Grade Teacher, basing upon her merit in the Special Recruitment for S.T. candidates of D.S.C. 2000. It further observed that if the High Court holds that Holva Oriya Community is not one of the recognized S.T. Communities, the services of the respondent can be terminated, otherwise, there would not be any impediment in giving appointment to the respondent to the post of Secondary Grade Teacher basing on her eligibility and qualifications in Special Recruitment for S.T. candidates of D.S.C. 2000. The Tribunal further directed the Department to consider her case within a period of two months from the date of receipt of a copy of the said order.

There is no dispute about the fact that the respondent was selected as Secondary Grade Teacher. There is also no dispute about the fact that the respondent belonged to Holva community and has also produced the Caste Certificate issued by the M.R.O. to that effect. Further the issue whether Holva Oriya Community belonged to S.T. or not, is stated to be pending consideration before this Court. Hence, the said question cannot be gone into in this writ petition.

Further, the Tribunal, taking all these factors into consideration, passed the impugned order directing the authorities to consider the case of the respondent to the post of Secondary Grade Teacher based upon her merit. The Tribunal also made it clear in the impugned order that if at all the High Court finally holds that Holva Oriya is not one of the recognized S.T. communities, the authorities can terminate the services of the respondent.

In the circumstances, we do not find any illegality or irregularity in

the order of the Tribunal warranting interference.

The writ petition fails and it is accordingly dismissed. No costs.

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T. MEENA KUMARI,J

DATE: 11th June, 2007

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G. CHANDRAIAH,J

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